REMARKS

In the Office Action, the Examiner rejected claim 1-3, 5-8, and 10-23 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,651,105 to Bhagwat et al. (Bhagwat) in view of U.S. Patent No. 7599370 to Leung et al. (Leung) and U.S. Patent Application Publication No. 2003/0225892 to Takusagawa et al. (Takusagawa); rejected claim 14 under 35 U.S.C. §103(a) as unpatentable over Bhagwat in view of Leung; rejected claims 41 and 43-51 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,018,657 to Kennedy III, et al. (Kennedy) in view of Leung; and rejected claim 42 under 35 U.S.C. § 103(a) as unpatentable over Kennedy, Leung, and Takusagawa.[1]

By this amendment, Applicants amend claim 1, 2, 14, 41, 45, 49, and 50 to more clearly define the features of those claims and/or improve form. Applicants also cancel claims 52-54, without prejudice or disclaimer.

Claims 1-3, 5-8, 10-23, and 41-51 are currently pending.

The Examiner rejected claim 1-3, 5-8, and 10-23 under 35 U.S.C. §103(a) as unpatentable over Bhagwat in view of Leung and Takusagawa. Applicants respectfully traverse this rejection.

The key consideration in a proper rejection under 35 U.S.C. 103(a) is not whether the pending claims can be used as a "shopping list" for searching of the prior art for descriptions of features for assembly in a manner that is allegedly similar to the claimed subject matter, but rather whether the prior art references, each taken in their

[1] Only the currently pending claims are listed.

entirety for all that they would reasonably teach to one of ordinary skill in the art at the time of the instant invention, would have rendered the instantly claimed subject matter unpatentably obvious. Unfortunately, the rejections proffered by the Office in this matter have emphasized the first approach in assembling piecemeal elements from several references to create an alleged basis for prima facie obviousness while failing to properly consider whether the cited references, when taken as a whole, properly suggest the instantly claimed subject matter in a manner that would have caused one of ordinary skill in the art a the time of the present invention to have deemed it obvious.

Claim 1, as amended, defines a method, which includes the following features:

> sending, from a mobile entity to a second network access entity, a message comprising a fast binding update message, the message including information for identifying a first network access entity comprising a gateway general packet radio service support node, wherein the information identifying the first network access entity enables the second network access entity to determine a global address for the first network access entity, wherein the global address of the first network access entity is not known to the mobile entity due to a move by the mobile entity from a previous network to a target network of the second network access entity, wherein the information comprises a link local address associated with the first network access entity, a network identity associated with the previous network of the first network access entity, an access point name associated with an access point through which the mobile entity was connected to the first network access entity, and a link layer address of the mobile entity; and
>
> handing over a connection of the mobile entity from the first network access entity to the second network access entity,
>
> wherein the message is configured to enable the second network access entity to direct traffic to the first network access entity based on the information included in the message, wherein the information is mapped, at the second network access entity, to the global address of the first network access entity.

When a mobile node moves to a target access router, the mobile node may only know a link local address of the previous access router and thus not know a globally routable address of the previous access router. When this is the case, the mobile node

may not be able to send traffic, such as a fast binding update message, to the previous access router after the mobile node moves to the target access router. *See, e.g.*, paragraph 0014 and 0015 of instant, published application. In some implementations consistent with claim 1, the target access router maps information to the globally routable address of the previous access router, so that the fast binding update message may be sent to the globally routable address of the previous access router.

Bhagwat discloses mechanisms to enable a mobile device to roam securely and seamlessly from one access point to another access point without disrupting an active point-to-point protocol (PPP) connection. But Bhagwat fails to disclose a first network access entity comprising a gateway general packet radio service support node. Nor does Bhagwat disclose a messages comprising fast binding updates which includes all of the features recited in claim 1. Given these shortcomings, it thus follows that Bhagwat cannot possibly recognize the above-noted problem of a mobile (which knows the link local address of the first network access entity but not the global address of the first network access entity) moving to a target network of a second network access entity.

Furthermore, Applicants submit that Bhagwat at col. 6, lines 66-67 through col. 7, lines 1-5) does not explicitly disclose that the mobile only knows the link local and not the global address of the access device as alleged by the Examiner at pages 2 and 3 of the Final Office Action. If the Examiner is taking Official Notice, Applicants request an affidavit or other evidence as required by M.P.E.P. 2144.03.

In view of the foregoing, Bhagwat fails to disclose or suggest the following feature of claim 1: "sending, from a mobile entity to a second network access entity, a

message comprising a fast binding update message, the message including information for identifying a first network access entity comprising a gateway general packet radio service support node, wherein the information identifying the first network access entity enables the second network access entity to determine a global address for the first network access entity, wherein the global address of the first network access entity is not known to the mobile entity due to a move by the mobile entity from a previous network to a target network of the second network access entity, wherein the information comprises a link local address associated with the first network access entity, a network identity associated with the previous network of the first network access entity, an access point name associated with an access point through which the mobile entity was connected to the first network access entity, and a link layer address of the mobile entity."

Leung discloses mechanisms for using keep alive messages to keep private and public address mappings alive in a network address translator (NAT). Specifically, Leung discloses that when a mobile node moves to a private network, the care-of-address of the foreign agent is "private address" which is valid (and thus routable) only within the private network. But Leung is conspicuously silent with respect to a global address of the foreign agent.[2] Furthermore, it is indisputable that nowhere does Leung disclose a message comprising a fast binding update message which includes all of the "information" recited in claim 1. Given these shortcomings, it thus follows that Leung,

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[2] If the Examiner is taking Official Notice with respect to Leung, Applicants request an affidavit or other evidence as required by M.P.E.P. 2144.03. Indeed, this appears to be the case given the Examiner's statements regarding Leung on page 3 of the Final Office Action.

like Bhagwat, cannot possibly recognize the above-noted problem of a mobile (which knows the link local address of the first network access entity but not the global address of the first network access entity) moving to a target network of a second network access entity. It thus follows that Leung fails to cure the above-noted deficiencies of Bhagwat.

In addition, although Takusagawa discloses fast handovers, Takusagawa fails to disclose a first network access entity comprising a gateway general packet radio service support node. Nor does Bhagwat disclose a message comprising a fast binding update message which includes all of the "information" recited in claim 1. Given these shortcomings, it thus follows that Takusagawa cannot possibly recognize the above-noted problem of a mobile (which knows the link local address of the first network access entity but not the global address of the first network access entity) moving to a target network of a second network access entity.

In view of the foregoing, neither Bhagwat, Leung, nor Takusagawa discloses or suggests the following feature of claim 1: "sending, from a mobile entity to a second network access entity, a message comprising a fast binding update message, the message including information for identifying a first network access entity comprising a gateway general packet radio service support node, wherein the information identifying the first network access entity enables the second network access entity to determine a global address for the first network access entity, wherein the global address of the first network access entity is not known to the mobile entity due to a move by the mobile entity from a previous network to a target network of the second network access entity, wherein the information comprises a link local address associated with the first network

access entity, a network identity associated with the previous network of the first network access entity, an access point name-associated with an access point through which the mobile entity was connected to the first network access entity, and a link layer address of the mobile entity." Claim 1 is thus allowable over Bhagwat, Leung, Takusagawa, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claim 1, as well as claims 5-8 and 10-13, at least by reason of their dependency, should be withdrawn.

Regarding the motivation to combine, Applicants submit that the Examiner's proposed combination, which relies on Bhagwat, Leung, and Takusagawa, would fundamentally change the principle of operation of these reference and likely lead to an inoperative system. *See* M.P.E.P 2143.03("[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959))." See also *Ex Parte Toftness*, 2008 WL 4451384 (Bd. Pat. App. & Int 2008) (reversing the Examiner's section 103 rejection as the proposed combination would yield an inoperative device). Indeed, the Examiner has not responded to Applicants previous arguments regarding the lack of motivation to combine.

Specifically, the fundamental principle of operation of Bhagwat depends on emulation of direct RS-232 cable connections between a mobile device and a wireless access point. Bhagwat at Summary of The Invention, col. 3, lines 41-43. Moreover, the Examiner would have to implement wholesale modifications to the principle of operation of Bhagwat given that Bhagwat is not operative with a gateway general packet radio

service support node. Nor is Bhagwat operative with a message, such as a fast binding update which includes all of the "information" recited in claim 1. Indeed, the message comprising a fast binding update message recited in claim 1 would clearly be inoperative in Bhagwat's system. Furthermore, the very essence of Leung is to use keep alive messages to maintain, at the NAT, a session mapping the private address of a foreign agent and a public address of the NAT. However, inserting Leung's private address of the foreign agent into Bhagwat also changes the functionality of Leung's private address and likely renders Bhagwat inoperative. Therefore, the rejection under 35 U.S.C. § 103(a) of rejected claims 1 and 5-8 and 10-13, should be withdrawn for this additional reason.

The Examiner rejected claim 14 under 35 U.S.C. §103(a) as unpatentable over Bhagwat in view of Leung.[3] Applicants respectfully traverse this rejection.

For at least the reasons noted above with respect to claim 1, neither Bhagwat nor Leung discloses the following features of claim 14:

In view of the foregoing, claim 14 is allowable over Bhagwat and Leung, and Takusagawa, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claim 14, as well as claims 15-23, at least by reason of their dependency, should be withdrawn.

The Examiner rejected claims 41 and 43-51 under 35 U.S.C. § 103(a) as unpatentable over Kennedy in view of Leung. Applicants respectfully traverse this rejection.

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[3] Applicants note that on page 8 of the Office Action, the Examiner did not reject claims 15-23, which depend from independent claim 14.

Claim 41 defines an apparatus, which includes the following features:

> a processor, wherein the processor is configured to process data related to sending, from a mobile entity to a second network access entity, a message comprising a fast binding update message, the message including information for identifying a first network access entity comprising a gateway general packet radio service support node, wherein the information identifying the first network access entity enables the second network access entity to determine a global address for the first network access entity, wherein the global address of the first network access entity is not known to the mobile entity due to a move by the mobile entity from a previous network to a target network of the second network access entity, wherein the information comprises a link local address associated with the first network access entity, a network identity associated with the previous network of the first network access entity, an access point name associated with an access point through which the mobile entity was connected to the first network access entity, and a link layer address of the mobile entity.

The Examiner acknowledges that Kennedy fails to disclose "wherein a global address of the first network access entity is not known to the apparatus." To cure that gap in Kennedy, the Examiner relies on Leung. However, as noted above, Leung also lacks this feature. Therefore, claim 41 is allowable over Kennedy and Leung, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claim 41, as well as claims 43-44, at least by reason of their dependency, should be withdrawn.

Independent claims 45 and 49-51, although of different scope, include some of the features noted above with respect to claim 41. For at least the reasons noted above, claims 45 and 49-51 are allowable over Kennedy and Leung, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claims 45 and 49-51, as well as claims 46-48, at least by reason of their dependency, should be withdrawn.

The Examiner rejected claim 42 under 35 U.S.C. § 103(a) as unpatentable over Kennedy, Leung, and Takusagawa. Applicants respectfully traverse this rejection.

Claim 42 depends from claim 41 and include all the features recited therein including, among other things, the above-noted "sending." As noted herein, neither Kennedy, Leung, nor Takusagawa discloses or suggests this noted feature. Therefore, claim 42 is allowable over Kennedy, Leung, and Takusagawa, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claim 42 should be withdrawn.

CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Petition for a one-month extension of time and Request for Continued Examination with the requisite fee. Authorization for a credit-card payment of the filing fees mentioned above is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 39700-601001US/NC39894US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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